

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

AMARI COATES,

Plaintiff,

Case No. 2:22-cv-10378
Hon. Bernard A. Friedman
Mag. Judge Jonathan J.C. Grey

vs.

CITY OF DETROIT, CITY OF DETROIT OFFICERS,
OFFICER E. LLAMAS (2546), OFFICER M. RUIZ (1187),
OFFICER ANTHONY WILLIAMS (5098), OFFICER
HILL (1095) and CPL. DAVID GARCIA (738)
in their individual and official capacities,

Defendants,

ROMANO LAW, PLLC
DANIEL G. ROMANO (P49117)
GINA U. PUZZUOLI (P37792)
Attorneys for Plaintiff
23880 Woodward Avenue
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SARAH V. DOMIN (P79128)
CITY OF DETROIT LAW
DEPARTMENT
Attorneys for Defendants
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**DEFENDANTS EISSAC LLAMAS, ANTHONY WILLIAMS, AND
MATTHEW RUIZ'S ANSWER TO COMPLAINT, DEMAND FOR
COMPULSORY JOINER, NOTICE OF SPECIAL AND AFFIRMATIVE
DEFENSES, AND RELIANCE ON JURY DEMAND**

NOW COME Defendants Eissac Llamas, Anthony Williams, and Matthew Ruiz, by and through the undersigned attorney, who pursuant to Section 13-11-1 of the Detroit City Code, reserves the right to withdraw as counsel for any individually named defendant(s) in the event their request(s) for representation are not approved by the Detroit City Council, and in answer to Plaintiff's Complaint,

state as follows:

ANSWER TO COMPLAINT

1. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

2. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

3. Admitted.

4. Admitted.

5. Admitted.

6. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

8. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

9. Defendants lack knowledge or information sufficient to form a belief

about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

10. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

11. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

FACTS

12. Defendants hereby reallege and incorporate by reference all answers to all preceding paragraphs, as if fully restated herein.

13. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

14. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

15. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

16. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

17. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

18. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

**COUNT I: VIOLATION OF THE FOURTH AMENDMENT 42 U.S.C. §
1983 UNREASONABLE SEARCH AND SEIZURE AGAINST
DEFENDANT OFFICERS C. COBBLE AND A. ARNICA**

19. Defendants hereby reallege and incorporate by reference all answers to all preceding paragraphs, as if fully restated herein.

20. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

21. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

22. Defendants lack knowledge or information sufficient to form a belief

about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

23. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

24. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

25. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

26. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

27. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

28. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

29. Defendants lack knowledge or information sufficient to form a belief

about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

WHEREFORE, Defendants respectfully request that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

COUNT II: VIOLATION OF THE FOURTH AMENDMENT
42 U.S.C. § 1983 EXCESSIVE FORCE

30. Defendants hereby reallege and incorporate by reference each answer to each preceding paragraph, as if fully restated herein.

31. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

32. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

33. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

34. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or

information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

35. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

36. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

WHEREFORE, Defendants respectfully request that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

COUNT III: CITY OF DETROIT'S CONSTITUTIONAL VIOLATIONS

37. Defendants hereby adopt and incorporate by reference each answer to each preceding paragraph, as if fully restated herein.

38. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

39. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

40. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, including the allegations contained in subparagraphs (a)-(d), and neither admit nor deny but leave Plaintiff to proof thereof.

41. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

42. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

WHEREFORE, Defendants respectfully request that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

COUNT IV: ASSAULT AND BATTERY

43. Defendants hereby adopt and incorporate by reference each answer to each preceding paragraph, as if fully restated herein.

44. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

45. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to

proof thereof.

46. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

47. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

48. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

49. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

50. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

WHEREFORE, Defendants respectfully request that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

COUNT V: CIVIL CONSPIRACY TO VIOLATE
PLAINTIFF'S CIVIL RIGHTS

51. Defendants hereby adopt and incorporate by reference all answers to all preceding paragraphs, as if fully restated herein.

52. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

53. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

54. Defendants deny the allegations as related to Defendants Llamas, Ruiz, and Williams. As to the remaining defendants, Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

55. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

WHEREFORE, Defendants respectfully request that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

COUNT VI: FALSE ARREST AND IMPRISONMENT

56. Defendants hereby adopt and incorporate by reference all answers to all preceding paragraphs, as if fully restated herein.

57. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

58. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

59. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

60. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

61. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

62. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

63. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegation, and neither admit nor deny but leave Plaintiff to proof thereof.

WHEREFORE, Defendants respectfully request that judgment of no cause of action be entered herein, or in the alternative, that the said cause be dismissed, with prejudice, and costs and attorney fees awarded to the Defendants.

Respectfully submitted,

/s/Sarah V. Domin

Sarah V. Domin (P79128)

City of Detroit Law Department

Attorneys for Defendants

2 Woodward Avenue, Suite 500

Detroit, MI 48226

313-237-0535/(313) 224-5505 (Fax)

dominsa@detroitmi.gov

Dated: May 26, 2022

DEMAND FOR COMPULSORY JOINDER OF ALL CLAIMS

NOW COME the defendants, **EISSAC LLAMAS, MATTHEW RUIZ,** and **ANTHONY WILLIAMS,** and demand that Plaintiff joins any and all claims arising out of the same transaction, acts and occurrences.

Respectfully submitted,

/s/Sarah V. Domin

Sarah V. Domin (P79128)

City of Detroit Law Department

Attorneys for Defendants

2 Woodward Avenue, Suite 500

Detroit, MI 48226

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dominsa@detroitmi.gov

Dated: May 26, 2022

NOTICE OF SPECIAL AND AFFIRMATIVE DEFENSES

1. Plaintiff has failed to set forth a cause of action upon which relief can be granted.
2. Plaintiff has failed to mitigate damages.
3. That the statute of limitations is, or may be, a bar to Plaintiff's claim, or part of Plaintiff's claim for damages.
4. AND FURTHER, that this claim is barred for failure to exhaust statutory, administrative and other available remedies.
5. Plaintiff has failed to join every legal or equitable claim which arises out of the transaction or occurrence which is the subject matter of the instant action.

6. That any injury to Plaintiff was due to and caused by the negligence and/or omission of the Plaintiff to care for himself which carelessness and/or negligence and/or omissions were the proximate cause of the damage, if any, to the Plaintiff.

7. That any injury or damage suffered by Plaintiff was caused by reason of Plaintiff's wrongful acts and wrongful conduct and/or the willful resistance to a peace officer in the discharge, and/or attempt to discharge the duty of his office and not by reason or any unlawful acts or omission of these defendants.

8. AND FURTHER, that if Plaintiff sustained any injury, damage, or loss, the same was solely and proximately occasioned by the carelessness, heedlessness and negligence of Plaintiff in failing to act in a reasonable, prudent manner, acting without due care and circumspection and in a manner dangerous to or likely to endanger Plaintiffs' own safety, and not because of any act or omission of or chargeable to the Defendant herein.

9. That, pursuant to the public duty doctrine, Defendants did not owe any duty to Plaintiff.

10. The actions of the Defendants were in all respects reasonable, proper, and legal.

11. That the Police Officer Defendants were, at all times mentioned in Plaintiff's Complaint, duly qualified, appointed and acting police officers of the City of Detroit and peace officers of the State of Michigan, and that at all times herein

mentioned, said Defendants were engaged in the performance of their regularly assigned duties as police officers.

12. That the Defendants, at all times herein mentioned, acted in good faith and without malice and within the scope of their duties as police officers of the City of Detroit and peace officers of the State of Michigan.

13. That the Defendants are entitled to qualified immunity as to all or some of Plaintiff's claims.

14. The actions of the Defendants were lawful and proper and that just and probable cause existed for their actions.

15. The acts complained of herein were undertaken by the Defendant officers in the course of their duties as police officers, in good faith, and were discretionary in nature.

16. Defendants did not use the legal process for any unlawful, extra-legal, or otherwise improper purpose.

17. Defendants did not abuse the properly issued legal process in this matter.

18. Defendants acted in good faith.

19. Defendants did not act with malice.

20. That Defendants **LLAMAS**, **RUIZ**, and **WILLIAMS** are individually immune from tort liability pursuant to MCLA 691.1401 *et seq.* for the following reasons:

- a. That they were employees of the City of Detroit and were working in the course of their employment and within the scope of their authority when this incident occurred or allegedly occurred;
- b. That the City of Detroit is, and was at the time of the aforementioned incident, a governmental agency;
- c. That at the time of the incident herein complained of, the City of Detroit was engaged in the exercise or discharge of a governmental function;
- d. That the individual Defendants' conduct did not amount to gross negligence that is the proximate cause of the alleged injury or damage.

21. And further, that Defendants **LLAMAS**, **RUIZ**, and **WILLIAMS**, are individually immune from the imposition of liability on Plaintiff's intentional tort claims pursuant to MCL 691.1401 *et seq.* for the following reasons:

- a. The acts were undertaken during the course of employment and the employees were acting, or reasonably believed that they were acting, within the scope of their authority;
- b. The acts were undertaken in good faith, or were not undertaken with malice, and;
- c. The acts were discretionary, as opposed to ministerial.

Respectfully submitted,

/s/Sarah V. Domin
Sarah V. Domin (P79128)
City of Detroit Law Department
Attorneys for Defendants
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dominsa@detroitmi.gov

Dated: May 26, 2022

RESERVATION OF ADDITIONAL DEFENSES

Defendants in the above captioned matter, by and through counsel, reserve the right to assert and file any affirmative and special defense which may become known by discovery proceedings in accordance with the rules and practices of this Court. Further, Defendants do not waive any deficiency or omission in any pleadings filed by any other party to this suit regardless of when filed.

Respectfully submitted,

/s/Sarah V. Domin

Sarah V. Domin (P79128)

City of Detroit Law Department

Attorneys for Defendants

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Detroit, MI 48226

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Dated: May 26, 2022

RELIANCE ON JURY DEMAND

NOW COME the defendants, **EISSAC LLAMAS, MATTHEW RUIZ,** and **ANTHONY WILLIAMS,** by and through their attorney, SARAH V. DOMIN, and give notice of their reliance on the jury demand that was previously submitted by Plaintiff in this case.

Respectfully submitted,

/s/Sarah V. Domin
Sarah V. Domin (P79128)
City of Detroit Law Department
Attorneys for Defendants
2 Woodward Avenue, Suite 500
Detroit, MI 48226
313-237-0535/(313) 224-5505 (Fax)
dominsa@detroitmi.gov

Dated: May 26, 2022

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2022, the foregoing paper was filed with the Clerk of the Court and served upon all parties and/or their counsel of record using the Court's CM/ECF system.

Dated: May 26, 2022

/s/Darlene Flowers
Darlene Flowers